

**Notice of Allowability**

Application No.	Applicant(s)
10/797,052	ACHIWA, KYOSUKE
Examiner	Art Unit
Christopher S. McCarthy	2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 3/11/04.
2.  The allowed claim(s) is/are 1-19.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1,2
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. The application has been amended as follows: Please change the title to read "Coherency of Non-Committed Replicate Data After Failover/Failback".

#### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: When read as a whole, claims 1, 8, 15, and 18 are allowable with respect to the following limitations:

With respect to claim 1, the primary reason for allowance is the limitation of the second storage device, during a first processing in which the first storage device transmits to the second storage device a replication of the data written to the first storage area, and the second storage device that received the data writes the data to the second storage area, requests first information from the first storage device indicating that a replication of the data written in the first storage area has not yet been transmitted to the second storage device and that the replication of the data has not been written to the second storage area when notice of failover is received from the second information processing device.

With respect to claim 8, the primary reason for allowance is the limitation of when notice of failover is received from the second information processing device during execution of the

first processing, the channel controller requests first information from the first storage device indicating that the replication of the data written in the first storage area has not yet been transmitted to the second storage device, and that a replication of the data has not been written to the second storage area.

With respect to claim 15, the primary reason for allowance is the limitation of when notice of failover is received from the second information processing device during executing of the first processing, the channel controller requests first information from the other storage device indicating that a replication of the data written in the first storage area has not yet been transmitted to the storage device, and that a replication of the data has not been written to the second storage area.

With respect to claim 18, the primary reason for allowance is the limitation of when notice of fallback is received from the first information processing device during execution of the first processing, the channel controller requests second information from the other storage device indicating that the data written in the third storage area has not yet been transmitted to the storage device, and that the data has not been written to the first storage area.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm  
December 14, 2005

  
ROBERT BEAUSOUIL  
SUPPLYING PATENT EXAMINER  
TECHNOLOGY CENTER 2100